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Attorneys for William Shoaf

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**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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**In re:**

**EASY STREET HOLDING, LCC, et al.,**

**Debtors.**

**Bankruptcy Case No. 09-29905**  
**(Jointly Administered with Cases**  
**09-29907 and 09-29908)**

**Chapter 11**

**Honorable R. Kimball Mosier**

**(Filed Electronically)**

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**RESPONSE TO HEBER AVENUE PARTNERS LLC'S OBJECTION TO CLAIM NO. 27**  
**OF WILLIAM SHOAF**

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William Shoaf, by and through counsel, hereby responds to Heber Avenue Partners LLC's Objection to Claim No. 27 of William Shoaf Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3001, 3003 and 3007 (the "Objection"). The Objection seeks a denial of Mr. Shoaf's claim for the claimed assertion that it "contains insufficient information and documentation to support a legal basis for the amount claimed." Objection, ¶ 8. Mr. Shoaf has

filed an amended proof of claim to reflect the true amount of reimbursable expenses he has incurred, a copy of which is attached hereto as Exhibit “A”.

Notably, the objection admits Mr. Shoaf’s full cooperation by providing Heber Avenue Partners’ counsel with documentation and information supporting Mr. Shoaf’s claim. See Objection ¶ 7. However, Heber Avenue Partners now tries to allege that there is not documentation to show that the Debtor owes the claim. Id. Quite to the contrary, Mr. Shoaf has demonstrated to Heber Avenue Partners, and will demonstrate to the Court at the hearing on this matter, that Mr. Shoaf’s claim consists of expenses that he fronted for the Debtor during the time he was part of the management team. For the benefit of the Court, Mr. Shoaf has also attached to his amended proof of claim documents supporting the amount of his claim, although that does not appear to be at issue.

Mr. Shoaf’s claim is comprised of four main categories: (1) ordinary business expenses paid directly for the Sky Lodge (\$18,130.30); (2) legal fees paid to Wrona Law on behalf of Easy Street Partners (\$22,370.58); (3) the retainer paid to Durham Jones & Pinegar to serve as Debtor’s counsel in this case (\$25,000.00); and (4) contribution owed from the Debtor as a result of rejecting the office lease between the Debtor and Gateway (\$57,603.48). The total of these expenses is \$123,104.36.

The first three categories of expenses require little explanation as Mr. Shoaf incurred all of them on behalf of the Debtor through his position on the Debtor’s management team. During the pre-petition months the Debtor did not have sufficient cash available to pay all of its expenses, including legal fees for business matters and to file bankruptcy. Mr. Shoaf consulted

with the other members of the management team and received approval to front these expenses for the Debtor and would be paid back. During the case, Mr. Shoaf kept the Debtor updated on the total amount of reimbursable expenses he incurred, most recently in June, 2010.

Mr. Shoaf's is also entitled to \$57,603.48 as indemnification for his guaranty of the Debtor's Gateway office lease. This office space was leased by the Debtor in January 2007 for a three year period, and was used by the Debtor's accounting, human resources, and sales staff. Mr. Shoaf was required to sign personally for payment under the lease. During the case, the Debtor decided to reject the remainder of this lease, over the objection of Mr. Shoaf, which resulted in an amount owed to Gateway of \$144,000.00. Gateway made its election to collect 60% of the amount owed from the estate, and then sued Mr. Shoaf for the balance. This case is pending in the Third District Court, Summit County, Utah, Gateway Center, LLC v. Couldnine Resorts, LLC, et al., Civil No.: 100500193. Mr. Shoaf conferred with Debtor's counsel at the time of this decision, and because he was entitled to indemnification from the Debtor, his claim was increased for the \$57,603.48 owed.

Mr. Shoaf's is permitted to amend his proof of claim to include all of these updated amounts. As held by the Tenth Circuit in In re Tanaka Bros. Farms, Inc.:

In a bankruptcy proceeding, "amendment of a proof of claim is freely permitted so long as the claim initially provided adequate notice of the existence, nature, and amount of the claim as well as the creditor's intent to hold the estate liable." A creditor's "[l]ate-filed amendments to proofs of claim should be treated with liberality, as '[l]eave to amend in a straight bankruptcy proceeding is freely allowed where the purpose is to cure a defect in the claim as originally filed,' " ... and where the party opposing the amended proof of claim fails to demonstrate actual prejudice.

36 F.3d 996, 998 (10<sup>th</sup> Cir. 1994) (internal citations omitted). In Tanaka, the court allowed the IRS to amend its proof of claim to include amounts for years that the debtor had not yet filed its tax return at the petition date, but then filed during the case. Similarly in this case, Mr. Shoaf did not know the full extent of the damages resulting from his personal guaranty of the Gateway lease until the Debtor rejected that lease during the case. Once this amount was discovered and Gateway sued Mr. Shoaf on this guaranty, Mr. Shoaf informed the Debtor of the amount owed in the budgets Mr. Shoaf prepared for the Debtor's use in confirming its plan of reorganization. Therefore, no party can demonstrate actual prejudice as a result of this amendment because the plan proponents were using this increased claim amount in their budgets.

Wherefore, Mr. Shoaf prays that his claim in the amount of \$123,104.36 be allowed in full, and paid pursuant to the confirmed plan of reorganization in this case.

DATED this 23<sup>rd</sup> day of December, 2010.

Miller Guymon, P.C.

/s/ James W. Anderson

Blake D. Miller

James W. Anderson

*Attorneys for Mr. Shoaf*

**CERTIFICATE OF SERVICE**

I hereby certify that I am employed by the law firm of Miller Guymon, P.C., and that on this 23<sup>rd</sup> day of December, 2010, I caused true and correct copies of the foregoing **RESPONSE TO HEBER AVENUE PARTNERS LLC'S OBJECTION TO CLAIM NO. 27 OF WILLIAM SHOAF** were served by electronic mail to the individuals and entities identified below:

Annette W. Jarvis  
[jarvis.annette@dorsey.com](mailto:jarvis.annette@dorsey.com)

Peggy Hunt  
[Hunt.peggy@dorsey.com](mailto:Hunt.peggy@dorsey.com)

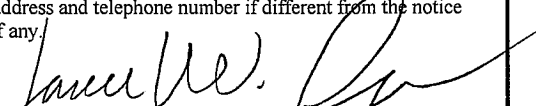
Benjamin J. Kotter  
[Kotter.benjamin@dorsey.com](mailto:Kotter.benjamin@dorsey.com)

Richard W. Havel  
[rhavel@sidley.com](mailto:rhavel@sidley.com)

/s/ James W. Anderson

**EXHIBIT “A”**

B 10 (Official Form 10) (04/10)

<b>UNITED STATES BANKRUPTCY COURT</b> District of Utah		<b>PROOF OF CLAIM</b>
Name of Debtor: <b>EASY STREET PARTNERS, LLC</b>		Case Number: <b>09-22907 AND 09-22905</b>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <b>WILLIAM SHOAF</b>		<input checked="" type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  Court Claim Number: <u>27</u> <i>(If known)</i>  Filed on: <u>01/05/2010</u>
Name and address where notices should be sent: <b>BLAKE MILLER / JAMES ANDERSON</b> <b>165 S. REGENT ST.</b> <b>SALT LAKE CITY, UTAH 84111</b>		
Telephone number: <b>(801) 363-5600</b>		
Name and address where payment should be sent (if different from above): <b>WILLIAM SHOAF</b> <b>4780 WINCHESTER CT</b> <b>PARK CITY, UT 84098</b>		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Telephone number: <b>(435) 640-7700</b>		
<b>1. Amount of Claim as of Date Case Filed:</b> \$ <u>123,104.36</u>  If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.  <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.</b>  Specify the priority of the claim.  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4).  <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5).  <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8).  <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(____).  <b>Amount entitled to priority:</b> \$ _____  <i>*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>
<b>2. Basis for Claim:</b> <u>See attached narrative</u> (See instruction #2 on reverse side.)		
<b>3. Last four digits of any number by which creditor identifies debtor:</b> _____  <b>3a. Debtor may have scheduled account as:</b> _____ (See instruction #3a on reverse side.)		
<b>4. Secured Claim</b> (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.  <b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <b>Describe:</b>  <b>Value of Property:</b> \$ _____ <b>Annual Interest Rate</b> _____ %  <b>Amount of arrearage and other charges as of time case filed included in secured claim,</b> <b>if any:</b> \$ _____ <b>Basis for perfection:</b> _____  <b>Amount of Secured Claim:</b> \$ _____ <b>Amount Unsecured:</b> \$ _____		
<b>6. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim.  <b>7. Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)  <b>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.</b>  If the documents are not available, please explain:		
<b>Date:</b> <b>12/23/2010</b>	<b>Signature:</b> The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.  <div style="text-align: center;">   <b>James W. Anderson, Esq., attorney for William Shoaf</b> </div>	

FOR COURT USE ONLY

Narrative Explanation of Proof of Claim

Mr. Shoaf's claim is comprised of four main categories: (1) ordinary business expenses paid directly for the Sky Lodge (\$18,130.30); (2) legal fees paid to Wrona Law on behalf of Easy Street Partners (\$22,370.58); (3) the retainer paid to Durham Jones & Pinegar to serve as Debtor's counsel in this case (\$25,000.00); and (4) contribution owed from the Debtor as a result of rejecting the office lease between the Debtor and Gateway (\$57,603.48). The total of these expenses is \$123,104.36.

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# The Sky Lodge

Expense Report

*Reviewed my Sky Lodge Accr. Staff.*

Date	Payee	Category	Memo	Amount Paid	Total Paid	Posted
3/9/2009	Peterson Plumbing	HOA Cost ✓		\$584.05 ✓	\$584.05	<input type="checkbox"/>
6/1/2009	Innovative Body	Spa Supplies ✓		\$152.32 ✓	\$736.37	<input type="checkbox"/>
6/3/2009	Constant Contact	Marketing ✓		\$55.00 ✓	\$791.37	<input type="checkbox"/>
5/16/2009	Overstock	F&B Supplies ✓	Umbrellas	\$650.61 ✓	\$1,441.98	<input type="checkbox"/>
5/18/2009	Diamond Electric	HOA Cost	<del>\$306</del> 05/24/09 #14025	\$306.96	\$1,748.94	<input type="checkbox"/>
5/19/2009	Jean Louis	Marketing ✓		\$240.73 ✓	\$1,989.67	<input type="checkbox"/>
5/20/2009	Two-Man-Movers	Misc	05/29 Move-paino-to-bar-#14025	\$253.50	\$2,243.17	<input type="checkbox"/>
5/29/2009	Diamond Rental	F&B ✓	rental equip catering	\$650.06 ✓	\$2,893.23	<input type="checkbox"/>
5/2/2009	Constant Contact	Marketing ✓		\$55.00 ✓	\$2,948.23	<input type="checkbox"/>
4/17/2009	Virgin Airlines	ESH ✓	G Pitts Air to NYC	\$349.60 ✓	\$3,297.83	<input type="checkbox"/>
4/28/2009	Greene's	Facilities ✓	Concrete Cutting	\$525.00 /100 ✓	\$3,822.83	<input type="checkbox"/>
5/5/2009	Overstock	F&B Supplies 05/24	Plaza #400 05/16 #13887	\$483.74	\$4,306.57	<input type="checkbox"/>
4/19/2009	Cover Store	F&B Supplies 05/24	Chandeliers-Plaza #14025	\$178.48	\$4,485.05	<input type="checkbox"/>
7/1/2009	ATT	Telephone ✓	wireless internet	\$267.33 ✓	\$4,752.38	<input type="checkbox"/>
6/11/2009	Market St Grill	ESH ✓	mexico	\$56.33 ✓	\$4,808.71	<input type="checkbox"/>
7/2/2009	Constant Contact	Marketing ✓	lunch investors	\$55.00 ✓	\$4,863.71	<input type="checkbox"/>
6/26/2009	Bed,Bath,Beyond	Rooms Supplies ✓		\$212.68 ✓	\$5,076.39	<input type="checkbox"/>
3/3/2009	Gateway Offices	A&G Rent ✓	Feb & Mar 09	\$9,724.57 ✓	\$14,800.96	<input type="checkbox"/>
4/13/2009	Gateway Offices	A&G Rent ✓	Apr 09	\$4,952.52 ✓	\$19,753.48	<input type="checkbox"/>

**COMPLETED**

*9.10.9.*

*Total Lypond = \$18,070.80*

*18,130.80*  
*Expense over*

Prepared For  
WILLIAM H SHOAFAccount Number  
XXXX-XXXXX  
Closing Date  
07/10/09

Page 3 of 9

## Due in Full continued

Amount \$

06/19/09	TRAVEL AGENCY SERVICE MURRAY UT	20.00
	TRAVEL AGENCY SERVICE FEE	
	Routing Details Not Available	
	Ticket Number: 89074478657592	
	Passenger Name: SHOAF/WILLIAM.H	
	Document Type: MISC. CHARGE ORDER (MCO)/PREPAID TICKET AUTH.	
06/20/09	SIMPLY BOOKS S556088 SALT LAKE CIT	18.16
	801-5752609	
06/23/09	AMPCO SYSTEM AIRPORTS SALT LAKE CTY	112.00
	8015752887	
	Description Price	
	PARKING FEES 112.00	
06/26/09	MYFAX PROTUS IP SOLN 866-563-9212	10.00
	INTERNET FAX	
07/02/09	EARTHLINK.NET INTERNET SVC	21.95
	358504610 30309 W.H.SHOAF@EARTHLINK.NET	
07/02/09	CONSTANT CONTACT CONWALTHAM	55.00
	BUSINESS SERVICE	
07/03/09	AT&T INTERNET AT&T IBASKING RIDGE	19.95
	COMPUTER NETWORK/INFO	
07/06/09	RN *SUPERPASS FROM R SUBSCRIPTION	40.78
	SUBSCRIPTION	
	206-674-2650	
07/08/09	TMOBILE*HOTSPOT 800-981-8563	29.99
	WIRELESS INT	
<b>Total Due in Full Activity</b>		<b>494.61</b>

## Flexible Payment Summary

Previous Balance	4416.36
Payment Activity	-4416.36
FINANCE CHARGE	0.00
New Charges/Adjustments	476.74
New Balance	476.74

## Flexible Payment Activity

## New Activity for WILLIAM H SHOAF

Amount \$

06/19/09	US AIRWAYS MURRAY UT	264.06
	US AIRWAYS	
	From: To: Carrier: Class:	
	LOS CABOS MEXICO SALT LAKE CITY UT	
	NOT AVAILABLE US SM	
	Ticket Number: 03774478657596	
	Passenger Name: SHOAF/WILLIAM.H	
	Document Type: PASSENGER TICKET	
	SIGN & TRAVEL® / EXTENDED PAYMENT OPTION	
06/26/09	BED, BATH & BEYOND 7 PARK CITY	212.68
	MISC HOME FURNISHINGS	
	SIGN & TRAVEL® / EXTENDED PAYMENT OPTION	
<b>Total of Flexible Payment Activity</b>		<b>476.74</b>

**Platinum Card®  
Statement of Account****Membership Rewards®  
Points Available**

at 07/10/09, when charges due are paid in full and all accounts are in good standing.

pared For  
WILLIAM H SHOAFAccount Number  
XXXX-XXXX-XXXXClosing Date  
07/10/09

Page 1 of 9

	Previous Balance \$	Payment Activity \$	New Activity \$ inc. Adjustments and Finance Charges if any	New Balance \$	Minimum Amount Due \$
ie in Full	1,082.92	-1,082.92	494.61	494.61	494.61
Flexible	4,416.36	-4,416.36	476.74	476.74	20.00
<b>Total</b>	<b>5,499.28</b>	<b>-5,499.28</b>	<b>+971.35</b>	<b>=971.35</b>	<b>514.61</b>

**Payment Due Date**  
08/04/09Please refer to page 4  
for important information  
regarding your account

ee Page 9 For A Notice Of Changes To The Membership Rewards Program Terms &amp; Conditions

o manage your Card account online or to pay your bill, please visit us at [www.americanexpress.com](http://www.americanexpress.com).  
or additional contact information, please see the reverse side of this page.

Activity	Amount \$
1/23/09* PAYMENT RECEIVED - THANK YOU	-2,232.94
1/23/09* PAYMENT RECEIVED - THANK YOU	-3,266.34
<b>Total of Payment Activity</b>	<b>-5,499.28</b>

**ue in Full Activity for WILLIAM H SHOAF**

	Amount \$
1/11/09 MARKET STREET GRILL SALT LAKE CITY	56.33
8019428860	
TIP 10.00	
1/14/09 VALUEWEB HOSTING WEB SERVICES	21.95
0187755 84098	
1/16/09 VALUEWEB HOSTING WEB SERVICES	21.95
0183550 84098	
1/18/09 BLUE ROOF MARKET TESPARK CITY	66.55
8004731123	
Description Price	
GAS/OIL 66.55	

Please fold on the perforation below, detach and return with your payment

Continued on Page 3

US AIRWAYS  
From:  
LOS CABOS MEXICOTo:  
SALT LAKE CITY UT  
NOT AVAILABLECarrier: US  
Class: SM  
Date of Departure: 06/23Ticket Number: 03774478657596  
Passenger Name: SHOAF/WILLIAM.H  
Document Type: PASSENGER TICKET  
SIGN & TRAVEL® / EXTENDED PAYMENT OPTION

212.68

06/26/09 BED, BATH & BEYOND 7PARK CITY  
MISC HOME FURNISHINGS  
SIGN & TRAVEL® / EXTENDED PAYMENT OPTION

476.74

**Total of Flexible Payment Activity**

ntinued on reverse



Page: 1 of 7  
Billing Cycle Date: 06/02/09 - 07/01/09  
Account Number: [REDACTED]

**How To Contact Us:**

- 1-800-331-0500 or 611 from your cell phone
- For Deaf/Hard of Hearing Customers (TTY/TDD)  
1-866-241-6567

**Wireless Number**

435-640-7700

*\$*  
*My lease = 267.99*

Previous Balance	-414.34
Payment Posted	0.00
<b>CREDIT BALANCE</b>	<b>-414.34</b>
Monthly Service Charges	139.98
Usage Charges	313.96
Credits/Adjustments/Other Charges	7.30
Government Fees & Taxes	10.72
<b>TOTAL CURRENT CHARGES</b>	<b>471.96</b>
Due Jul 23, 2009	
Late fees assessed after Aug 01	
<b>Total Amount Due</b>	<b>857.62</b>

**Transition to Digital Broadcasting - June 12, 2009**

On 6/12/09, TV stations switch to digital broadcasts, but your local station may switch sooner. Analog TVs without cable or satellite service will need a converter box to work, except with low power, Class A or translator TV stations, Tape/DVD players, & video games. Contact your local TV station, DTV.gov, 888-Call-FCC (TTY 888-TELL-FCC), dtv2009.gov or 888-DTV-2009 (TTY 877-530-2634) for DTV and discount converter box coupon information.

Return the portion below with payment only to AT&T Mobility.

AT&T Home Toll	07/02-08/01	0.00	0.00
AT&T Room Toll	07/02-08/01	0.00	0.00
ELA Toll	07/02-08/01	0.00	0.00
GSM Coverage Area	07/02-08/01	0.00	0.00
Int'l Roaming	07/02-08/01	0.00	0.00
Int'l Room Toll	07/02-08/01	0.00	0.00
Includes:			
- Toll Domestic			
- Toll International			
Int'l Dialing Allowed	07/02-08/01	0.00	0.00
MXILD Code	07/02-08/01	0.00	0.00
Includes:			
- Toll Domestic			
- Toll International			
MXRoom Code \$5.59	07/02-08/01	0.00	0.00
Off-Network Room	07/02-08/01	0.00	0.00
StandardILD	07/02-08/01	0.00	0.00
Includes:			
- Toll Domestic			
- Toll International			
VISUAL VM POSTPD	07/02-08/01	0.00	0.00
iPhone Customer	07/02-08/01	0.00	0.00
<b>Wireless Data</b>			
DATA PLAN IPHONE	07/02-08/01	30.00	30.00
PHONE TXT MSG 200	07/02-08/01	5.00	5.00

500275

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- Money Markets
- Payroll
- Auto Loans
- Credit Cards
- Healthcare Finance



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**www.capitalone.com**

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**FDIC**



what's in your wallet?

www.capitalone.com

Previous Balance	Payments & Credits	FINANCE CHARGE	Transactions	New Balance	Minimum Payment	Due Date
\$2,827.32	\$4,014.67	\$32.89	\$2,043.43	\$888.97	\$41.00	Jun. 22, 2009

Apr. 28, 2009 — May. 27, 2009 Page 1 of 1

PLEASE PAY AT LEAST THIS AMOUNT

## Visa Business Card Account

### Your Account Information

TOTAL CREDIT LINE	\$20,000.00
TOTAL AVAILABLE CREDIT	\$19,111.03
CREDIT LINE FOR CASH	\$10,000.00
AVAILABLE CREDIT FOR CASH	\$10,000.00



## Rewards Summary

Previous available balance:	38,469
Earned this period:	2,132
(reflects transactions posted during this billing cycle)	
Available Balance:	40,601
Congratulations, you've earned 89 additional rewards this month just for shopping with merchants in our preferred network. Continue to take advantage of these special offers by shopping at www.capitalone.com.	

## Finance Charges (Please see reverse for important information)

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
Purchases	\$1,728.60	0.06342% D	23.15%	\$32.89
Cash	\$0.00	0.06342% D	23.15%	\$0.00

ANNUAL PERCENTAGE RATE applied this period: 23.15%

## Payments, Credits & Adjustments

1	08 MAY	PAYMENT	\$1,187.35-
2	22 MAY	PAYMENT	\$2,827.32-

## Transactions

3	28 APR	PROJECTORSSCREEN.COM 201-2299800 NJ	\$923.91
4	05 MAY	NETWORK SOLUTIONS, LLC 888-642-9675 VA	\$439.90
5	07 MAY	STATE LIQUOR STORE 01 PARK CITY UT	\$71.92
6	09 MAY	TLF*THE WOODLANDS FLWR THE WOODLANDS TX	\$48.72
7	10 MAY	ROAD ISLAND DINER OAKLEY UT	\$65.74
8	10 MAY	SMITHS FOOD #4072 PARK CITY UT	\$28.45
9	16 MAY	THE HOME DEPOT 4415 PARK CITY UT	\$63.31
10	19 MAY	COROS2-DIV OF CORPORAT SALT LAKE CIT UT	\$52.00
11	19 MAY	THE COVER STORE 866-8898896 TX	\$178.48
12	20 MAY	STUDIO HAIR PARK CITY UT	\$24.00
13	20 MAY	RITE AID STORE 6127 PARK CITY UT	\$88.80
14	25 MAY	THE HOME DEPOT 4415 PARK CITY UT	\$58.20



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Please refer to the Billing Rights Summary on the back of your statement or visit [www.capitalone.com/disputes](http://www.capitalone.com/disputes)

2-1

COLR333K 6056 0302 408

07 090527 PAGE 00001 OF 00001

11333

Prepared For  
WILLIAM H SHOAF

Account Number

XXXX-XXXX

Closing Date

05/11/09

Page 3 of 8

in Full continued				Amount \$
22/09	AMPCO SYSTEM PARKINGSALT LAKE CTY			70.00
	8015752887			
	Description	Price		
	PARKING FEES	70.00	SL	
25/09	MYFAX PROTUS IP SOLN866-563-9212		CG	10.00
	INTERNET FAX			
26/09	COSTCO GAS #00113 94SALT LAKE CIT		CG	49.25
	AUTO FUEL DISPENSER			
29/09	ADVANTUS CORPORATIONJACKSONVILLE		SL	42.92
	OFFICE FURNITURE			
02/09	EARTHLINK.NET INTERNET SVC		CG	21.95
	354063419 30309			
03/09	CONSTANT CONTACT 1 0WALTHAM			55.00
	8662892101			
	Description		SL	
	PROFESSIONAL S			
03/09	AT&T INTERNET AT&T IBASKING RIDGE		CG	19.95
	COMPUTER NETWORK/INFO			
07/09	MOBILEME APPLE - MOBCUPERTINO		CG	198.00
	MobileMe			
08/09	TMOBILE*HOTSPOT 800-981-8563		CG	19.99
	WIRELESS INT			
Total Due in Full Activity				609.01

## Flexible Payment Summary

Previous Balance	361.18
Payment Activity	-361.18
FINANCE CHARGE	0.00
New Charges/Adjustments	1623.93
New Balance	1623.93

## Flexible Payment Activity

New Activity for WILLIAM H SHOAF				Amount \$
17/09	VIRGIN AMERICA BURLINGAME CA			349.60
	AIRLINE CHARGE			
	From:	To:	Carrier:	Class:
	SAN FRANCISCO CA	J F KENNEDY A/P NY	VX	00
		NOT AVAILABLE		
	Ticket Number: 99904180925254	Date of Departure: 04/20		
	Passenger Name: PITTS/GREG			
	SIGN & TRAVEL® / EXTENDED PAYMENT OPTION			
26/09	COSTCO WHSE #00113 9SALT LAKE CIT			265.59
	WHOLESALE CLUB			
	SIGN & TRAVEL® / EXTENDED PAYMENT OPTION			
28/09	GREENE'S INC. 800000WOODS CROSS			525.00
	8012926699			
	Description	Price		
	GENERAL CONTRACTORS	525.00	SL	
	SIGN & TRAVEL® / EXTENDED PAYMENT OPTION			
05/09	OVERSTOCK.COM OverstSALT LAKE CITY			483.74
	DIRECT MKTG MISC			
	SIGN & TRAVEL® / EXTENDED PAYMENT OPTION			
Total of Flexible Payment Activity				1,623.93

Continued on reverse

Prepared For  
WILLIAM H SHOAFAccount Number  
XXXX-XXXX

Page 4 of 7

**Flexible Payment continued**

Amount \$

05/29/09	DIAMOND RENTAL INC #SALT LAKE CTY BUSINESS SERVICE SIGN & TRAVEL® / EXTENDED PAYMENT OPTION	650.6
06/07/09	COSTCO WHSE #00113 9SALT LAKE CIT WHOLESALE CLUB SIGN & TRAVEL® / EXTENDED PAYMENT OPTION	650.58
<b>Total of Flexible Payment Activity</b>		<b>2,752.44</b>

**Finance Charge Schedule**Billing days this period: 30  
Balance to which rate applies

	Average Daily Balance \$	Daily Periodic Rate	Annual Percentage Rate	New Balance \$	FINANCE CHARGE \$
Sign & Travel / ExPO	3,188.70	0.0418%	15.24%	4,416.36	39.99

Certain of the periodic rates and APRs above may be variable. Those rates may vary based upon the prime rate identified in the Wall Street Journal, as described in your Cardmember Agreement as currently in effect.

**Important Notice****Information on Flexible Payment Features**

You may have access to one or more Flexible Payment Features as part of your Card account. The current Annual Percentage Rates (APRs) and Daily Periodic Rates (DPRs) for the Flexible Payment Features are as follows:

For Sign & Travel®, the APR is 15.24%, the DPR is 0.0418%

For Extended Payment Option (ExPO), the APR is 15.24%, the DPR is 0.0418%

Sign & Travel, the APR is 15.24%, the DPR is 0.0418%

Please refer to page 2  
for further important  
information regarding  
your account

16/09	VALUEWEB HOSTING WEB SERVICES 0183550 84098	21.95
23/09	BLUE ROOF MARKET TESPARK CITY 8004731123 Description Price GAS/OIL 57.88	57.88
25/09	MYFAX PROTUS IP SOLN866-563-9212 INTERNET FAX	10.00
30/09	GALLERIA FLORAL & DEPARK CITY 4356492600 Description Price FLORISTS 92.92	92.92
31/09	INNOVATIVE BODY SCIECARLSBAD 8887007727 Description BEAUTY SUPPLIE	152.32
02/09	EARTHLINK.NET INTERNET SVC 356312329 30309	21.95
03/09	AT&T INTERNET AT&T IBASKING RIDGE COMPUTER NETWORK/INFO	19.95
03/09	CONSTANT CONTACT 1 OWALTHAM 8662892101 Description PROFESSIONAL S	55.00
08/09	TMOBILE*HOTSPOT 800-981-8563 WIRELESS INT	19.99
<b>Total Due in Full Activity</b>		<b>473.91</b>

**exible Payment Summary**

Previous Balance	1623.93
Payment Activity	0.00
FINANCE CHARGE	39.99
New Charges/Adjustments	2752.44
New Balance	4416.36

**exible Payment Activity****ow Activity for WILLIAM H SHOAF**

		Amount \$
16/09	OVERSTOCK.COM OverstSALT LAKE CITY DIRECT MKTG MISC SIGN & TRAVEL® / EXTENDED PAYMENT OPTION	650.61
18/09	DIAMOND ELECTRIC INCSALT LAKE CITY 8014844325 Description Price ELECTRICAL PARTS/EQ 306.96 SIGN & TRAVEL® / EXTENDED PAYMENT OPTION	306.96
19/09	JEAN LOUIS RESTAURANPARK CITY 4352000260 FOOD/BEVERAGE 200.73 TIP 40.00 SIGN & TRAVEL® / EXTENDED PAYMENT OPTION	240.73
20/09	TWO MAN MOVERS 54292SALT LAKE CIT 8019241564 Description Price MOVING AND STORAGE 253.50 SIGN & TRAVEL® / EXTENDED PAYMENT OPTION	253.50

Continued on reverse



Prepared For  
WILLIAM H SHOAFDocument Page 17 of 23  
XXXX-XXXX-XXXX-XXXX

Page 4 of 10

**Flexible Payment Summary**

Previous Balance	4115.93
Payment Activity	-4115.93
FINANCE CHARGE	0.00
New Charges/Adjustments	886.85
New Balance	886.85

**Flexible Payment Activity**Foreign Currency conversion rate  
is base rate plus 2.7%. See page 2 for details.**New Activity for WILLIAM H SHOAF**

		Foreign Spending	Amount \$
02/27/09	LA TORTUGA HOTEL AND SPA	4,376.40	✓ 302.80
	Goods/Services	**Mexican Pesos	
	SIGN & TRAVEL® / EXTENDED PAYMENT OPTION		
03/09/09	PETERSON PLUMBING SUSALT LAKE CITY		584.05
	8019738700		
	Description Price		
	HEATING/COOLER/PLUM 584.05		
	SIGN & TRAVEL® / EXTENDED PAYMENT OPTION		

**Total of Flexible Payment Activity****886.85****Finance Charge Schedule**Billing days this period: 30  
Balance to which rate applies

	Average Daily Balance \$	Daily Periodic Rate	Annual Percentage Rate	New Balance \$	FINANCE CHARGE \$
Sign & Travel / ExPO	0.00	0.0417%	15.24%	886.85	0.00

Certain of the periodic rates and APRs above may be variable. Those rates may vary based upon the prime rate identified in the Wall Street Journal, as described in your Cardmember Agreement as currently in effect.

**Important Notice****Information on Flexible Payment Features**

You may have access to one or more Flexible Payment Features as part of your Card account. The current Annual Percentage Rates (APRs) and Daily Periodic Rates (DPRs) for the Flexible Payment Features are as follows:

For Sign & Travel®, the APR is 15.24%, the DPR is 0.0418%

For Extended Payment Option (ExPO), the APR is 15.24%, the DPR is 0.0418%

Please refer to page 2  
for further important  
information regarding  
your account

P.O. Box 571530  
Murray, UT 84157-1530

Account: 151 - 303 - t0001521

Date: 02/19/09

Payment: \$ \_\_\_\_\_

Make Check Payable To: Gateway Center, LLC

Cloud Nine Resorts, LLC  
Attn: William Shoaf  
PO Box 683300  
Park City, UT 84068

Mailing Address:  
c/o Commerce CRG  
P.O. Box 571530  
Murray, UT 84157-1530

Overnight Courier:  
ATTN: Asset Services  
175 E. 400 South, Suite 700  
Salt Lake City, UT 84111

Date	Description	Charges	Payments	Balance
				9,911.97
03/01/09	CAM Estimate (03/2009)	2,211.99		12,123.96
03/01/09	Admin Fee (03/2009)	103.42		12,227.38
03/01/09	Rent (03/2009)	7,221.76		19,449.14

50% = Sky Lodge - 9,724.57

Current	30 Days	60 Days	90 Days	Amount Due
19,277.45	171.69	0.00	0.00	19,449.14

## Gateway Center, LLC

Statement

P.O. Box 571530  
Murray, UT 84157-1530

Account: 151 - 303 - t0001521

Date: 04/02/09

Payment: \$

Make Check Payable To: Gateway Center, LLC

## Easy Street Partners

Attn: William Shoaf

PO Box 683300

Park City, UT 84068

## Mailing Address:

c/o Commerce CRG

P.O. Box 571530

Murray, UT 84157-1530

## Overnight Courier:

ATTN: Asset Services

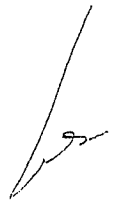
175 E. 400 South, Suite 700

Salt Lake City, UT 84111

Date	Description	Charges	Payments	Balance
	Balance Forward			367.88
04/01/09	CAM Estimate (04/2009)	2,211.99		2,579.87
04/01/09	Admin Fee (04/2009)	103.42		2,683.29
04/01/09	Rent (04/2009)	7,221.76		9,905.05

$50\% \times 9,905.05 = 4,952.52$

\* UTILITIES = 424.17



Current	30 Days	60 Days	90 Days	Amount Due
9,537.17	441.53	(73.65)	0.00	9,905.05



## Invoice



1340 1 Brooks Drive  
Baldwin Park, CA 91706  
(626) 814-0168  
www.treasuregarden.com

Invoice Number: 292419-IN

Customer Number: COS074

Sold To:  
WILLIAM SHOAF  
9780 WINCHESTER CT  
PARK CITY, UT 84068

Ship To:  
THE SKY LODGE  
201 HEBER AVE  
435-658-9413  
PARK CITY, UT 84060

Date	Ship VIA	FOB	Terms		
7/23/2009	FEDEX GRND-PPA	BALDWIN PARK	CASH IN ADVANCE		
Purchase Order Number	Order Date	Salesperson	Our Order Number		
#256 Sky Idg/Lb	7/16/2009	MODMATION & MISC ACCO	9020660		
Quantity	Item Number	SKU	Price	Amount	
Ordered	Shipped	B/O	Description	Disc%	Tax
12.00	12.00	0.00	LIBERTY#21 ARM END FITTING (S/A SOLA#16)	7.00	84.00
12.00	12.00	0.00	LIBERTY#22 ARM STROP (S/A SOLA#14)	11.20	134.40

\*\* Above prices reflect 20% commercial discount  
Original items purchases from Shadescapes USA  
Fedex shipping / handling \$36.00  
RD: 6/29/09, CA: 7/16/09

CHARGED TO SHOAF  
CREDIT CARD.

Page: Page 1 of 1  
CARRIER: FEDEX GROUND  
TRACKING # 566832870577716;



CELEBRATING 25 YEARS OF EXCELLENCE

Net Invoice:	218.40
Less Discount:	0.00
Freight:	36.00
Sales Tax:	0.00
Invoice Total:	254.40
Less Deposit:	0.00
Invoice Balance	254.40

CUSTOMER



13401 Brooks Drive  
 Baldwin Park, CA 91706  
 (626) 814-0168 TEL.  
 (626) 814-2001 FAX

Please review this order and  
 notify TG via fax of any  
 corrections

Order Number: 9020660  
 Entry Date: 6/29/2009  
 Release Date: 7/16/2009  
 Est. Ship Date: 7/24/2009  
 Salesperson: 0089  
 Customer No.: COS074

Bill To:

WILLIAM SHOAF  
 9780 WINCHESTER CT  
 PARK CITY, UT 84068

Ship To:

THE SKY LODGE  
 201 HEBER AVE  
 435-658-9413  
 PARK CITY, UT 84060

Customer P.O.		Ship V/A	F.O.B.	Terms		
#256 Sky Idg/Lb		FEDEX GRND-PPA	BALDWIN PARK	CASH IN ADVANCE		
Ordered	Shipped	B/O	Item Number	SKU	Price	Amount
12			LIBERTY#21 ARM END FITTING (S/A SOLA#16)		7.00	84.00
12			LIBERTY#22 ARM STROP (S/A SOLA#14)		11.20	134.40

\*\* Above prices reflect 20% commercial discount  
 Original items purchases from Shadescapes USA  
 Fedex shipping / handling \$36.00  
 RD: 6/29/09, CA: 7/16/09

CHARGED TO SHAF CC.

Acknowledgement



7/16/2009 10:26:28AM

CELEBRATING 25 YEARS OF EXCELLENCE

Net Order: 218.40  
 Less Discount: 0.00  
 Freight: 36.00  
 Sales Tax: 0.00  
 Order Total: 254.40  
 Less Deposit: 0.00  
 Order Balance: 254.40

## CloudNine

## Transaction List by Vendor

January 1, 2008 through November 16, 2010

11/16/10

Type	Date	Num	Memo	Account	Clr	Split	Amount
Bill Pmt -Check	01/31/10	1478	William Shoaf ...	Wells Fargo Bank	X	Accounts Paya...	-111.17
Bill	03/21/10		William Shoaf ...	Accounts Payable		Telephone	-140.86
Bill Pmt -Check	03/21/10	1469	William Shoaf ...	Wells Fargo Bank	X	Accounts Paya...	-140.86
Bill	05/15/10		William Shoaf ...	Accounts Payable		Telephone	-82.55
Bill Pmt -Check	05/15/10	1481	William Shoaf ...	Wells Fargo Bank	X	Accounts Paya...	-82.55
Bill	05/23/10		William Shoaf ...	Accounts Payable		Telephone	-71.12
Bill Pmt -Check	05/23/10	1485	William Shoaf ...	Wells Fargo Bank	X	Accounts Paya...	-71.12
Bill	06/13/10		William Shoaf ...	Accounts Payable		Telephone	-153.67
Bill Pmt -Check	06/13/10	1492	William Shoaf ...	Wells Fargo Bank	X	Accounts Paya...	-153.67
Bill	07/07/10		William Shoaf ...	Accounts Payable		Telephone	-82.55
Bill Pmt -Check	07/07/10	1513	William Shoaf ...	Wells Fargo Bank	X	Accounts Paya...	-82.55
Bill	07/18/10		William Shoaf ...	Accounts Payable		Telephone	-495.30
Bill Pmt -Check	07/21/10	1528	William Shoaf ...	Wells Fargo Bank	X	Accounts Paya...	-495.30
<b>Wells Fargo</b>							
Check	10/22/08	ATM		Wells Fargo Bank	X	Accounting	-247.39
Check	01/20/09	ATM		Wells Fargo Bank	X	Accounting	-11.77
Check	02/23/09	ATM		Wells Fargo Bank	X	Accounting	-30.79
Check	03/20/09	wire		Wells Fargo Bank	X	Accounting	-14.06
Check	04/20/09	wire		Wells Fargo Bank	X	Accounting	-12.35
Check	04/27/09	wire		Wells Fargo Bank	X	Accounting	-16.09
Check	05/11/09	wire		Wells Fargo Bank	X	Accounting	-40.00
Check	06/22/09	wire		Wells Fargo Bank	X	Accounting	-15.23
<b>West Justice Court</b>							
Check	12/03/08	1344		Wells Fargo Bank	X	Repairs & Main...	-332.00
<b>Western Union</b>							
Check	12/24/08	Wire		Wells Fargo Bank	X	Lease	-7.00
Check	01/13/09	ATM		Wells Fargo Bank	X	Lease	-7.00
<b>Whitney Advertising</b>							
Check	01/04/08	1206		Wells Fargo Bank	X	Marketing	-2,194.89
Check	02/13/08	1215		Wells Fargo Bank	X	Marketing	-4,352.85
Check	02/17/08	1217		Wells Fargo Bank	X	Marketing	-64.71
Check	04/12/08	1255		Wells Fargo Bank	X	Marketing	-121.18
Check	04/20/08	1261		Wells Fargo Bank	X	Marketing	-1,522.08
Check	06/02/08	1283		Wells Fargo Bank	X	Marketing	-64.71
Check	08/17/08	1301		Wells Fargo Bank	X	Marketing	-3,280.94
Check	11/13/08	1329		Wells Fargo Bank	X	Marketing	-50.00
Check	11/30/08	1339		Wells Fargo Bank	X	Marketing	-50.00
Bill	07/21/10		ResortClubs I...	Accounts Payable		-SPLIT-	-6,500.00
Bill Pmt -Check	07/21/10	1529	ResortClubs I...	Wells Fargo Bank	X	Accounts Paya...	-6,500.00
<b>William Shoaf</b>							
Check	12/15/08	1346		Wells Fargo Bank	X	Capital Contrib...	-15,000.00
Check	01/13/09	1355		Wells Fargo Bank	X	Capital Contrib...	-15,000.00
<b>Wrona Law</b>							
Check	10/12/08	1321		Wells Fargo Bank	X	Legal	-13,164.24
Check	11/13/08	1328		Wells Fargo Bank	X	Legal	-1,625.00
Check	05/22/09	1380		Wells Fargo Bank	X	Legal	-2,827.32
Check	08/05/09	1400		Wells Fargo Bank	X	Legal	-4,754.02
Bill	03/21/10		SHOAF PERS...	Accounts Payable		Legal	-126.00
Bill Pmt -Check	03/21/10	1470	SHOAF PERS...	Wells Fargo Bank	X	Accounts Paya...	-126.00
Bill	05/15/10		SHOAF PERS...	Accounts Payable		Legal	-249.00
Bill Pmt -Check	05/15/10	1482	SHOAF PERS...	Wells Fargo Bank	X	Accounts Paya...	-249.00
Bill	06/13/10		SHOAF PERS...	Accounts Payable		Legal	-630.00
Bill Pmt -Check	06/13/10	1493	SHOAF PERS...	Wells Fargo Bank	X	Accounts Paya...	-630.00

✓ -13,164.24  
✓ -1,625.00  
-2,827.32  
-4,754.02  
} 22,370.58

PAID BY SHOAF FOR LEGAL WORK DONE FOR  
EOP.